

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL
SOFTWARE ANTITRUST LITIGATION
(NO. II)**

Case No. 3:23-md-3071

MDL No. 3071

**Chief Judge Waverly D.
Crenshaw, Jr.**

JURY DEMAND

**This Document Relates to:
ALL CASES**

**PLAINTIFFS' UNOPPOSED *OMNIBUS* MOTION TO DISMISS CERTAIN
DEFENDANTS AND SUBSTITUTE CORRECTED DEFENDANTS**

Plaintiffs in matters transferred to this multidistrict litigation (“MDL”) originally named certain Defendants that they now agree to voluntarily dismiss from the litigation. For some Defendants whom Plaintiffs seek to dismiss, Plaintiffs further request the Court to substitute corrected entities for Defendants who were previously named incorrectly. To efficiently dispense with various outstanding requests for dismissal and substitution, Plaintiffs hereby file this Motion, which seeks to address those dismissals, substitutions, and terminations in one filing.

Plaintiffs provided this Motion to Defendants on August 31, 2023, and Defendants do not oppose this Motion. Therefore, Plaintiffs respectfully request that the Court enter an order directing the Clerk to undertake the following actions. A proposed order is attached hereto as Exhibit A.

I. VOLUNTARY DISMISSALS

Several Defendants were previously named in matters transferred to this MDL, but were not subsequently named in Plaintiffs’ First Amended Consolidated Class Action Complaint

(“FACCAC”) or any subsequent operative complaint. Plaintiffs indicated in their July 31, 2023 Joint Notice of Filing Concerning Status of Member Cases and Pleadings that they, therefore, would seek to voluntarily dismiss those Defendants. Dkt. 448 at 5-6. This Motion is the first request to dismiss those Defendants. The chart below indicates all cases in which each Defendant is currently named and from which the Defendant should be dismissed. Plaintiffs respectfully request that the Court dismiss without prejudice each of the below Defendants.

Defendant	Cases in which the Defendant Should be Dismissed
Alliance Residential Co.	<i>Parker v. RealPage, Inc. et al.</i> , 3:23-cv-00378 <i>Marchetti v. RealPage, Inc.</i> , 3:23-cv-00380 <i>Schmidig v. RealPage, Inc.</i> , 3:23-cv-00391
Alliance Residential Realty, LLC	<i>Bauman v. RealPage, Inc.</i> , 3:23-cv-00326 <i>Blosser v. RealPage, Inc.</i> , 3:23-cv-00445
AMLI Management Co.	<i>Bauman v. RealPage, Inc.</i> , 3:23-cv-00326 <i>Marchetti v. RealPage, Inc.</i> , 3:23-cv-00380 <i>Schmidig v. RealPage, Inc.</i> , 3:23-cv-00391
Asset Living, LLC	<i>Bauman v. RealPage, Inc.</i> , 3:23-cv-00326 <i>Marchetti v. RealPage, Inc.</i> , 3:23-cv-00380 <i>Schmidig v. RealPage, Inc.</i> , 3:23-cv-00391 <i>Blosser v. RealPage, Inc.</i> , 3:23-cv-00445
D.P. Preiss Company, Inc.	<i>Navarro v. RealPage, Inc.</i> , 3:23-cv-00329
Essex Management Corp.	<i>Alvarez v. RealPage, Inc.</i> , 3:23-cv-00331 <i>Armas v. RealPage, Inc.</i> , 3:23-cv-00333
Morgan Group, Inc.	<i>Bauman v. RealPage, Inc.</i> , 3:23-cv-00326 <i>Morgan v. RealPage, Inc.</i> , 3:23-cv-00330 <i>Moore v. The Irvine Co., LLC</i> , 3:23-cv-00339 <i>Weller v. RealPage, Inc.</i> , 3:23-cv-00414 <i>Alexander v. The Irvine Co., LLC</i> , 3:23-cv-00440
Park Towne Place Apartment Homes	<i>Bauman v. RealPage, Inc.</i> , 3:23-cv-00326
Sterling Apartment Homes	<i>Bauman v. RealPage, Inc.</i> , 3:23-cv-00326 <i>Spencer v. RealPage, Inc.</i> , 3:23-cv-00415

For similar reasons (because these Defendants are not being named in the forthcoming Multi-Family Second Amended Consolidated Class Action Complaint or the Student First Amended Consolidated Class Action Complaint), Plaintiffs request to dismiss without prejudice: from the Multi-Family cases, TF Cornerstone, Inc. and Trammell Crow Company, LLC; and from

the Student cases, Carmel Partners LLC, University House Communities LLC, and University House Communities Group LLC, without prejudice.

Defendant	Cases in which the Defendant Should be Dismissed
Carmel Partners LLC	<i>Navarro v. RealPage Inc. et al.</i> , 3:23-cv-00329
TF Cornerstone, Inc.	<i>Kabisch et al. v. RealPage et al.</i> , 3:23-cv-00742
Trammell Crow Company, LLC	<i>Cherry v. RealPage, Inc.</i> , 3:23-cv-00332 <i>Boelens v. RealPage, Inc.</i> , 3:23-cv-00338 <i>Lai Cheong v. RealPage, Inc.</i> , 3:23-cv-00416
University House Communities LLC	<i>Navarro v. RealPage Inc. et al.</i> , 3:23-cv-00329
University House Communities Group LLC	<i>Lauder v. RealPage Inc. et al.</i> , 3:23-cv-00757 <i>Dempsey v. RealPage, Inc. et al.</i> , 3:23-cv-00792

Plaintiffs also previously named Cortland Properties, Inc. as a Defendant. Counsel for Defendant Cortland Management, LLC has represented that Cortland Properties, Inc. is not a related entity. Similarly, Plaintiffs named Morgan Properties LLC in several underlying cases, but have been informed by counsel for Morgan Properties Management Company, LLC that Morgan Properties LLC is not a related entity. Therefore, Plaintiffs respectfully request that the Court dismiss Cortland Properties, Inc. and Morgan Properties LLC from the following cases without prejudice.

Defendant	Cases in which the Defendant Should be Dismissed
Cortland Properties, Inc.	<i>Marchetti v. RealPage, Inc.</i> , 3:23-cv-00380 <i>Schmidig v. RealPage, Inc.</i> , 3:23-cv-00391 <i>Blosser v. RealPage, Inc.</i> , 3:23-cv-00445
Morgan Properties, LLC	<i>Bauman v. RealPage, Inc. et al.</i> , 3:23-cv-00326 <i>Morgan et al v. RealPage Inc et al.</i> , 3:23-cv-00330 <i>Moore v. The Irvine Company LLC et al.</i> , 3:23-cv-00339 <i>Marchetti v. RealPage, Inc.</i> , 3:23-cv-00380 <i>Kramer v. RealPage Inc et al.</i> , 3:23-cv-00389 <i>Schmidig v. Realpage, Inc. et al.</i> , 3:23-cv-00391 <i>Alexander et al. v. RealPage, Inc. et al.</i> , 3:23-cv-00440 <i>Blosser v. RealPage, Inc. et al.</i> , 3:23-cv-00445

In Plaintiffs' opposition to motions to dismiss by Defendants BH Management Services, LLC ("BH") and CH Real Estate Services, LLC ("CH") based on personal jurisdiction grounds,

Plaintiffs proposed to dismiss BH and CH from any cases pending in the Western District of Washington, where both BH and CH attested that they had no operations. Since briefing closed on BH and CH's motions, several other Defendants have reached out to Plaintiffs raising similar arguments. To avoid burdening the Court with motion practice relating to personal jurisdiction, and given that each of the below Defendants has otherwise been sued in a jurisdiction in which they do operate, Plaintiffs respectfully request that the Court dismiss the following Defendants in the following actions without prejudice.

Defendant	Cases in which the Defendant Should be Dismissed	Original Jurisdiction
Allied Orion Group LLC	<i>Kramer v. RealPage, Inc. et al.</i> , 3:23-cv-00356	D.D.C.
BH Management Services, LLC	<i>Navarro v. RealPage Inc. et al.</i> , 3:23-cv-00329 <i>Morgan v. RealPage, Inc.</i> , 3:23-cv-00330 <i>Armas v. RealPage, Inc.</i> , 3:23-cv-00333 <i>Pham v. RealPage, Inc.</i> , 3:23-cv-00337 <i>Moore v. RealPage, Inc.</i> , 3:23-cv-00339 <i>Crook v. RealPage, Inc.</i> , 3:23-cv-00387 <i>Kramer v. RealPage, Inc.</i> , 3:23-cv-00389 <i>Weller v. RealPage, Inc.</i> , 3:23-cv-00414 <i>Lauder v. RealPage Inc. et al.</i> , 3:23-cv-00757	W.D. Wash. D. Or.
B.HOM Student Living LLC	<i>Navarro v. RealPage Inc. et al.</i> , 3:23-cv-00329	W.D. Wash.
B/T Washington LLC	<i>Armas v. RealPage, Inc.</i> , 3:23-cv-00333 <i>Kabisch et al. v. RealPage et al.</i> , 3:23-cv-00742	W.D. Wash. M.D. Tenn.
CH Real Estate Services, LLC	<i>Armas v. RealPage, Inc. et al.</i> , 3:23-cv-00333	W.D. Wash.
Camden Property Trust	<i>Morgan v. RealPage Inc. et al.</i> , 3:23-cv-00330 <i>Alvarez v. RealPage Inc. et al.</i> , 3:23-cv-00331 <i>Armas v. RealPage, Inc.</i> , 3:23-cv-00333 <i>Moore v. The Irvine Company LLC et al.</i> , 3:23-cv-00339 <i>Kramer v. RealPage Inc. et al.</i> , 3:23-cv-00389 <i>Weller v. RealPage Inc. et al.</i> , 3:23-cv-00414 <i>Spencer v. RealPage Inc. et al.</i> , 3:23-cv-00415	W.D. Wash. E.D. Pa.
Dayrise Residential, LLC	<i>Kabisch et al. v. RealPage et al.</i> , 3:23-cv-00742	M.D. Tenn.
Equity Residential	<i>Spencer v. RealPage, Inc. et al.</i> , 3:23-cv-00415 <i>Kabisch v. RealPage, Inc. et al.</i> , 3:23-cv-00742	E.D. Pa. M.D. Tenn.
Highmark Residential,	<i>Morgan et al v. RealPage et al.</i> , 3:23-cv-00330	W.D. Wash.

LLC	<i>Moore et al v. The Irvine Co. et al</i> , 3:23-cv-00339 <i>Zhovmiruk et al v. RealPage et al.</i> , 3:23-cv-00345 <i>Kramer et al v. RealPage et al.</i> , 3:23-cv-00389 <i>Weller et al v. RealPage et al.</i> , 3:23-cv-00414	
Kairoi Management, LLC	<i>Kabisch et al. v. RealPage et al.</i> , 3:23-cv-00742	M.D. Tenn.
Lantower Luxury Living, LLC	<i>Kabisch et al. v. RealPage et al.</i> , 3:23-cv-00742	M.D. Tenn.
Morgan Properties LP	<i>Weller et al v. RealPage et al.</i> , 3:23-cv-00414	W.D. Wash.
Security Properties, Inc.	<i>Marchetti v. RealPage, Inc.</i> , 3:23-cv-00380	S.D. Fla.
The Related Companies, L.P.	<i>Kabisch et al. v. RealPage et al.</i> , 3:23-cv-00742	M.D. Tenn.
Thrive Communities Management, LLC	<i>Bauman v. RealPage, Inc. et al.</i> , 3:23-cv-00326 <i>Parker v. RealPage, Inc. et al.</i> , 3:23-cv-00378 <i>Marchetti v. RealPage, Inc. et al.</i> , 3:23-cv-00380 <i>Schmidig v. RealPage, Inc. et al.</i> , 3:23-cv-00391 <i>Alexander v. RealPage Inc. et al.</i> , 3:23-cv-00440 <i>Kabisch v. RealPage, Inc. et al.</i> , 3:23-cv-00742	M.D. Tenn. S.D. Fla. E.D. Cal.
Timberline Real Estate Ventures, LLC	<i>Navarro v. RealPage Inc. et al.</i> , 3:23-cv-00329 <i>Lauder v. RealPage Inc. et al.</i> , 3:23-cv-00757	W.D. Wash. D. Or.
ZRS Management, LLC	<i>Morgan v. RealPage, Inc.</i> , 3:23-cv-00330 <i>Moore et al v. The Irvine Co. et al</i> , 3:23-cv-00339 <i>Kramer et al v. RealPage et al.</i> , 3:23-cv-00389 <i>Weller et al v. RealPage et al.</i> , 3:23-cv-00414	W.D. Wash.

Finally, Plaintiffs have sought to voluntarily dismiss the Irvine Co. LLC from *Alexander v. RealPage Inc. et al.*, 3:23-cv-00440. Dkt. 224. For completeness, Plaintiffs' Proposed Order includes dismissal of that Defendant in that case.

II. SUBSTITUTIONS AND TERMINATIONS

As the Court is aware, counsel for the parties have engaged in extensive meet and confers to streamline the pleadings. As a result of that process, certain Defendants have requested corrections to entities named in underlying complaints in the MDL. In response to those requests, Plaintiffs have filed several motions to substitute, some of which are pending. As to others, Plaintiffs have additional substitutions to request. To dispense with all outstanding substitution issues efficiently, Plaintiffs respectfully move the Court to deem certain entities substituted for

others in particular member cases, as follows, and further request that the substituted entities be dismissed from the underlying actions. Where a substitution request is already the subject of a pending motion, that is also indicated below for the Court's convenience.

Prior Dkt. Entry	Corrected Entity (to be Deemed Substituted In)	Entity to be Terminated	Relevant Cases
N/A	Apartment Income REIT Corp., d/b/a Air Communities	AIR Communities REIT Corp.	3:23-cv-00415
N/A	BH Management Services, LLC	BH Management LLC	3:23-cv-00380 3:23-cv-00391
N/A	Bozzuto Management Company	Bozzuto Property Management	3:23-cv-00415
N/A	Bozzuto Management Company	The Bozzuto Group	3:23-cv-00380 3:23-cv-00391
N/A	Brookfield Properties Multifamily LLC	Brookfield Residential Properties LLC	3:23-cv-00335
N/A	CONTI Texas Organization, Inc., d/b/a CONTI Capital	CONTI Capital	3:23-cv-00410 3:23-cv-00411 3:23-cv-00742
Dkt. 492	Cortland Management, LLC	Cortland Partners, LLC	3:22-cv-01082 3:23-cv-00440 3:23-cv-00552
Dkt. 458	Greystar Management Services, LLC	Greystar Real Estate Partners, LLC	3:22-cv-01082 3:23-cv-00326 3:23-cv-00329 3:23-cv-00330 3:23-cv-00331 3:23-cv-00332 3:23-cv-00333 3:23-cv-00334 3:23-cv-00335 3:23-cv-00337 3:23-cv-00338 3:23-cv-00339 3:23-cv-00344 3:23-cv-00345 3:23-cv-00356 3:23-cv-00357 3:23-cv-00358 3:23-cv-00377 3:23-cv-00378 3:23-cv-00379 3:23-cv-00380

Prior Dkt. Entry	Corrected Entity (to be Deemed Substituted In)	Entity to be Terminated	Relevant Cases
			3:23-cv-00381 3:23-cv-00387 3:23-cv-00388 3:23-cv-00389 3:23-cv-00390 3:23-cv-00391 3:23-cv-00410 3:23-cv-00411 3:23-cv-00412 3:23-cv-00413 3:23-cv-00414 3:23-cv-00415 3:23-cv-00416 3:23-cv-00440 3:23-cv-00445 3:23-cv-00552
N/A	Greystar Management Services, LLC	Greystar Management Services, L.P	3:23-cv-00742
Dkt. 459	Pinnacle Property Management Services, LLC	Cushman & Wakefield, Inc.	3:22-cv-01082 3:23-cv-00326 3:23-cv-00330 3:23-cv-00333 3:23-cv-00335 3:23-cv-00337 3:23-cv-00339 3:23-cv-00356 3:23-cv-00357 3:23-cv-00358 3:23-cv-00377 3:23-cv-00380 3:23-cv-00387 3:23-cv-00389 3:23-cv-00390 3:23-cv-00391 3:23-cv-00410 3:23-cv-00411 3:23-cv-00412 3:23-cv-00413 3:23-cv-00414 3:23-cv-00415 3:23-cv-00416 3:23-cv-00440

Prior Dkt. Entry	Corrected Entity (to be Deemed Substituted In)	Entity to be Terminated	Relevant Cases
			3:23-cv-00445 ¹
N/A	Sares Regis Group Commercial, Inc.	Sares Regis Group Operating, Inc.	3:23-cv-00330 3:23-cv-00339 3:23-cv-00389 3:23-cv-00414 3:23-cv-00440
N/A	Security Properties Residential, LLC	Security Properties, Inc.	3:23-cv-00326 3:23-cv-00330 3:23-cv-00331 3:23-cv-00332 3:23-cv-00333 3:23-cv-00334 3:23-cv-00337 3:23-cv-00338 3:23-cv-00339 3:23-cv-00344 3:23-cv-00345 3:23-cv-00357 3:23-cv-00358 3:23-cv-00380 3:23-cv-00387 3:23-cv-00388 3:23-cv-00389 3:23-cv-00390 3:23-cv-00391 3:23-cv-00414 3:23-cv-00440 3:23-cv-00445 3:23-cv-00742
N/A	Simpson Property Group, LLC	Simpson Property Group, LLLP	3:23-cv-00377 3:23-cv-00412 3:23-cv-00413
N/A	TREV Management II LLC	Timberline Real Estate Ventures, LLC	3:23-cv-00792

Finally, Plaintiffs previously filed their Renewed Unopposed Motion to Deem The Related Companies, L.P. and Related Management Company L.P. Substituted for the Related Companies,

¹ The motion at Dkt. 459 previously requested this relief as to 3:23-cv-00329 (*Navarro*) as well. However, Plaintiffs subsequently dismissed both Pinnacle and Cushman from *Navarro*. (Dkt. 461 (Notice) & 478 (Order).) Accordingly, no further relief in *Navarro* is necessary in this regard.

Inc. Dkt. 392. The Court granted Plaintiffs' Motion, but inadvertently reversed the substitution, ordering that the "Clerk shall add the Related Companies, Inc., as a party Defendant... and shall terminate as Defendants The Related Companies, L.P. and Related Management Company, L.P....." Dkt. 481. Plaintiffs respectfully request that the Court enter an Order with the corrected substitution, as indicated in Plaintiffs Proposed Order, attached hereto as Ex. A.

Dated: September 7, 2023

/s/ Tricia R. Herzfeld

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Plaintiffs' Steering Committee Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 7, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld